

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

ERNEST BARKMAN, GRACE BARKMAN,
ERN-BARK, INC., BARK-ERN, INC.,
E.B. CORP., INC.,
Defendants.

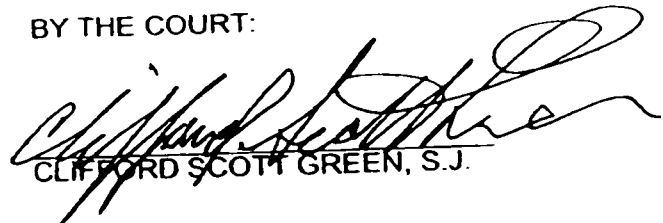
Civil Action No. 96-6395

ORDER

FILED FEB 24 2003

AND NOW, this *24th* day of February 2003, based upon the attached Stipulation and Schedule, it is hereby **ORDERED** that the first time, and any subsequent time, that the Barkman Defendants fail to meet any requirements of the schedule, and have had the opportunity to perform but have failed to do so, the EPA and/or the DEP may apply to this Court, with written notice to counsel for the Barkman Defendants, for the imposition of sanctions. Upon such application, and upon consideration of any objection filed by counsel for the Barkman Defendants within 72 hours of receipt of notice, the Court may order the United States Marshall to take the Barkman Defendants into custody with, or without, further Order or hearing.

BY THE COURT:


CLIFFORD SCOTT GREEN, S.J.

ENTERED

FEB 2 2003

CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	
	:	
Plaintiff,	:	CIVIL ACTION NO. 96-6395
	:	
v.	:	
	:	
ERNEST BARKMAN, GRACE BARKMAN,	:	
ERN-BARK, INC., BARK-ERN, INC.,	:	
and E.B. CORP., INC.	:	
	:	
Defendants.	:	

STIPULATION AND SCHEDULE

It is hereby stipulated and agreed among the United States of America on behalf of the Environmental Protection Agency ("EPA") and the Commonwealth of Pennsylvania Department of Environmental Protection ("DEP") and Ernest Barkman, Grace Barkman, Ern-Bark, Inc., Bark-Ern, Inc. and E.B. Corp., Inc. ("Barkman Defendants"), by and through their respective counsel, as follows:

1. The Barkman Defendants are in contempt of this Court's Order of December 17, 1998, in United States v. Barkman, 1998 WL 962018, that they comply with the Removal Order at the Walsh road Superfund Site (a/k/a Welsh Road Superfund Site and Barkman Landfill Superfund Site) ("the Site"), so that remedial action can proceed.

2. In order to purge the contempt, the Barkman Defendants agree that they will adhere to the following schedule:

a. No later than March 1, 2003, the Barkman Defendants

will enter into a lease agreement with Joseph Blosenski to lease real estate where the Barkman Defendants can conduct business. Certain materials associated with the business shall be transferred to the leased property. The property covered by the lease agreement shall be zoned appropriately for the intended use and all necessary permits shall be in place.

b. No later than March 10, 2003, the Barkman Defendants will provide the EPA, the DEP and the Court with a copy of the lease agreement between them and Joseph Blosenski. All notices to the EPA required by this Stipulation shall be to Frank Klanchar, United States Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103, FAX Number 215-814-3002. All notices to the DEP required by this Stipulation shall be to Anderson L. Hartzell, Department of Environmental Protection, Office of Chief Counsel, Southeast Region, Lee Park, 555 North Lane, Suite 6015, Conshohocken, PA, 19428, FAX Number 610-832-6321.

c. No later than March 31, 2003, at which time the Barkman Defendants will have begun to relocate their businesses to the leased site, the Barkman Defendants will cause an auction to be conducted at the Site to dispose of any saleable buildings and other saleable materials. Prior


to March 31, 2003, the Barkman Defendants shall provide the EPA, the DEP and the Court with a copy of the auction agreement entered into by the auction company who shall conduct the auction. As soon as practicable following the auction, but no later than two weeks after the Barkman Defendants receive the statement, the Barkman Defendants will provide the EPA, DEP and the Court with the statement provided by the auction company setting forth the results of the auction sale.

d. Between March 31, 2003 and June 1, 2003 the Barkman Defendants shall remove all remaining structures, vehicles, dumpsters, tires, batteries, underground storage tanks, drums, scrap metal and other materials from the Site, in order to comply with this Court's Order of December 17, 1998 in *United States v. Barkman*, 1998 WL 962018, under the oversight of the EPA. Any liquid or solid waste will be properly managed and disposed of at an appropriate facility. Unless properly permitted, the Barkman Defendants shall not burn refuse or debris at the Site.


e. At two week intervals, on April 14, 2003, April 28, 2003, May 12, 2003 and May 26, 2003 the Barkman Defendants will report, in writing, to the EPA, the DEP and the Court on the progress they have made in the removal. These reports will include: (i) a description of the materials

processed and/or removed during the reporting period; (ii) names and locations where materials were taken off-site; (iii) problems encountered and actions taken to resolve them; (iv) percent of the removal complete and estimated number of days until completion; and (v) planned activities for the next reporting period.

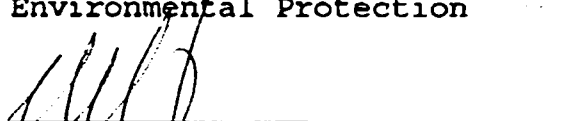
f. No later than June 16, 2003, the Barkman Defendants will provide a final report, including photographs, showing that as of June 1, 2003 they have complied with the Removal Order.



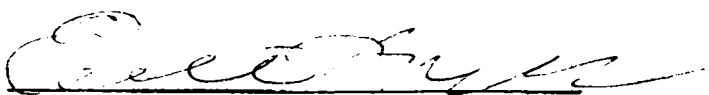
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Grace Barkman, Ern-Bark, Inc.,
Bark-Ern, Inc. and
E.B. Corp., Inc.



ERNEST BARKMAN,